

Attorney Docket No. 01430/LH

This paper is being submitted
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**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT
APPEALS AND INTERFERENCES**

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Applicant(s): Taro ENDO et al
Serial No. : 09/911,673
Confirm. No.: 3874
Filed : JULY 24, 2001
For : DISPLAY SYSTEM AND
MICRODISPLAY APPARATUS
Art Unit : 2674
Examiner : Kevin M. NGUYEN
Appeal No. :

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop Appeal Briefs - Patents

This is responsive to the Examiner's Answer mailed
May 31, 2007.

This Reply Brief is being timely filed within two months of
the Examiner's Answer, by the due date of July 31, 2007.

R E M A R K S

On page 12 of the Examiner's Answer, the Examiner suggests that the Appeal Brief overlooks the rejections set forth in the Final Office Action and the Examiner's Response to Arguments set forth on pages 11-14 of the Final Office Action mailed October 4, 2006. It is respectfully submitted, however, that the arguments set forth in the Appeal Brief do address all of the rejections of the claims which were positively set forth in the Final Office Action mailed October 4, 2006, and contrast the disclosure of USP 6,845,277 ("Michelet et al") and USP 6,295,002 ("Fukuda") to the actual recitations in independent claims 6, 7 and 26. The Appeal Brief also addresses ambiguities in the Examiner's position in the Response to Arguments section of the Final Office Action mailed October 4, 2006 (particularly point a on page 12 of the Final Office Action). See pages 19 and 20 of the Appeal Brief, for example. Accordingly, it is respectfully submitted that the Examiner's position has been completely addressed.

Nevertheless, the Examiner's assertions as set forth in the Response to Argument section (section 10) beginning on page 11 of the Examiner's Answer are addressed below.

First, although the Examiner has placed the summary of the recitations of claim 6 bridging pages 11 and 12 of the Examiner's Answer in a single quotation, it should be noted that certain

recitations of claim 6 are omitted from this summary.¹ Among these omissions, although the Examiner refers to the storing section recited in claim 6, the Examiner significantly has not acknowledged that according to claim 6 the display apparatus comprises the storage section for storing on-screen display information. In addition, although the Examiner refers to the information superimposing section recited in claim 6, the Examiner significantly has not acknowledged that according to claim 6 the host apparatus comprises the information superimposing section for superimposing the received on-screen display information (received from the display apparatus) on the video signal (which is transmitted from the host apparatus to the display apparatus, as also recited in claim 6). Still further, although the Examiner does not mention the display-side communication section or the host-side communication section, the Examiner does address the operation of each of these communication sections recited in claim 6.²

¹ The Examiner addresses some of the features omitted from the summary of claim 6 bridging pages 11 and 12 of the Examiner's Answer in a separate summary of claim 6 at the bottom of page 14 of the Examiner's Answer.

² As addressed in more detail below, it is not clear which of Michelet et al and Fukuda is considered by the Examiner to disclose the display-side communication section or the host-side communication section.

Moreover, it should be noted that, perhaps as the result of a clerical error, the Examiner's characterization at line 5 of page 12 of the Examiner's Answer (following numeral "(1)") of the arguments presented in the Appeal Brief is incorrect. That is, the Examiner states that the Appeal Brief alleges that "Michelet discloses [that] on-screen display information is sent from the display to the host." However, as explained in the Appeal Brief (at pages 9 and 10, and as explained in further detail thereafter), Michelet et al, taken singly or in combination with Fukuda, does not disclose, teach or suggest transmitting on-screen display information from the display apparatus to the host (with the on-screen display information being information that is to be displayed) as recited in claim 6.

The Examiner's characterization of Michelet et al, namely a summary of the Examiner's interpretation of Michelet et al with respect to claim 6 set forth on page 14 of the Examiner's Answer and points (a) through (e) set forth on pages 12 to 14 of the Examiner's Answer, is addressed specifically below.

In point (a) on page 12 of the Examiner's Answer, the Examiner cites column 2, lines 40-46 of Michelet et al:

In one preferred embodiment of the invention, the service channel used by the graphics system consists of a bi-direction I²C communication supporting DDC/CI communication between the processor and the display, as well as a [sic] On Screen Display communication on a System Management Bus communication between the hardware

monitoring circuit and the display. (Examiner's emphasis.)

In point (b) on pages 12-13 of the Examiner's Answer, the Examiner cites column 2, lines 58-64 of Michelet et al:

The service channel, such as a [sic] I²C communication link, permits the electronic circuit to have a direct access to the On Screen Display function, for displaying text and/or graphics independently of the operating system, while the service channel also provides a support for DDC/CI communication for the interaction between the processor and the display. (Examiner's emphasis.)

Since the Examiner does not assert that Michelet et al discloses a display apparatus comprising a display-side communication section (for transmitting the stored power consumption data and the on-screen display information) or a host apparatus comprising a host-side communication section (for receiving said power consumption data transmitted from said display apparatus and said on-screen display information),³ it is not clear what structure recited in claim 6 the Examiner believes is disclosed in these portions of Michelet et al. Presumably, the Examiner considers this disclosure in Michelet et al to correspond to a display-side communication section which transmits on-screen display information and a host-side

³ See the summary of the features of claim 6 that the Examiner contends are found in Michelet et al at pages 11-12 of the Examiner's Answer, and the summary of the features of claim 6 that the Examiner contends are found in Fukuda at page 14 of the Examiner's Answer. See also pages 18 and 19 of the Appeal Brief.

communication section which receives the on-screen display information.

Michelet et al does, in fact, disclose a service channel bus 19 which enables communication between the screen and the host. See the paragraph bridging columns 5 and 6 of Michelet et al, as well as the portion of column 2 identified by the Examiner. However, according to Michelet et al, the communication from the screen to the host is performed to inform the host of the capabilities of the screen, while the communication from the host to the screen is performed in particular to communicate commands from the host to the display. Michelet et al does not disclose that the screen transmits on-screen display information to the host in the manner of the display-side communication section recited in claim 6, which transmits on-screen display information that is received by a host-side communication section. In this connection, it should be understood that the on-screen display information transmitted from the display-side communication section is information that is displayed (see the recitation of displaying an image of the on-screen display information at the last line of claim 6). Thus, it is respectfully submitted that the information communicated from the screen to the host according to Michelet et al, namely information necessary for control of the screen that

is not for display, cannot be considered to correspond to the on-screen display information recited in claim 6.

It should be understood, moreover, that according to Michelet et al, despite the bi-directional capabilities of the service channel bus 19, commands sent via the service channel bus 19 are sent separately from the graphics signal of Michelet et al (the signal of Michelet et al that, at best, could be considered to correspond to the video signal recited in claim 6) which is sent via the graphics channel/bus 20. See pages 11-16 of the Appeal Brief, for example.

Finally, although the Examiner places emphasis on the communication between the display and the host according to Michelet et al, as explained above and in the Appeal Brief, such communication does not entail or suggest transmitting on-screen display information from the display to the host in the manner recited in claim 6. And it is respectfully submitted that the mere existence of a bi-directional communication pathway does not indicate that any one kind of information is positively transmitted along the communication pathway, absent explicit disclosure of such data transmission in Michelet et al (which is clearly not present in Michelet et al, as explained in detail in the Appeal Brief).

In point (c) on page 13 of the Examiner's Answer, the Examiner cites column 5, lines 29-39 of Michelet et al:

Display 21 also comprises "On Screen Display" capabilities which are controlled by an internal microcontroller (not shown) and which causes the display of foreground texts and/or graphics superimposed on the background displayed image which is under control of the graphics signals on bus 20. Generally speaking, the OSD capabilities are activated when the user presses down the control buttons located on the front panel of the display in order to control and adjust, for instance, the brightness, the contrast, the horizontal or vertical positions of the image which is being displayed, or any other correction useful for perfecting the image. (Examiner's emphasis.)

In point (d) on page 13 of the Examiner's Answer, the Examiner cites column 9, lines 10-18 of Michelet et al:

A DDC/CI and OSD control decoder 54 receives the I²C serial protocol link on a two-wire bus 63 which carries the DDC/CI commands issued by the processor and the OSD commands generated by an independent hardware monitoring circuit (not shown in FIG. 5). DDC/CI and OSD decoder 54 controls power circuits 55 and 56, and the latter particularly controls the Column drive circuit 57 and Row drive circuit 58 for causing the superimposition of the OSD text and/or graphics on the screen. (Examiner's emphasis.)

It is respectfully pointed out that these citations from Michelet et al actually **support the applicants' argument**, as set forth in detail in the Appeal Brief (see pages 16-18), that Michelet et al does not disclose, teach or suggest a host apparatus comprising an information superimposing section for superimposing the received on-screen display information on the video signal, wherein the host-side communication section

transmits the video signal having the on-screen display information superimposed thereon, the display-side communication section receives the transmitted signal, and the display apparatus displays an image of the on-screen display information.

More specifically, the Examiner's citation (c) from Michelet et al explicitly states that "an internal microcontroller" (of the display) controls the on screen display capabilities of the display by causing the display of text and/or graphics on a background displayed image. Indeed, the Examiner's own added emphasis to citation (c) emphasizes that these capabilities are provided to the display according to Michelet et al. In addition, the Examiner's citation (d) from Michelet et al refers to a DDC/CI and OSD control decoder 54 (which the Examiner has emphasized) that controls power circuits 55 and 56, wherein the power circuit 56 controls the Column drive circuit 57 and Row drive circuit 58 to cause the superimposition of the OSD text and/or graphics on the screen. Significantly, all of elements 54-58 in the Examiner's citation (d) are provided in the digital display 60 as shown in Fig. 5 of Michelet et al.

Thus, according to the Examiner's own citations from Michelet et al, on screen display information is superimposed on a display at the display. By contrast, according to the present invention as recited in independent claim 6, a host apparatus comprises an information superimposing section for superimposing

the received on-screen display information on the video signal, wherein the host-side communication section transmits the video signal having the on-screen display information superimposed thereon, the display-side communication section receives the transmitted signal, and the display apparatus displays an image of the on-screen display information.

In point (e) on pages 13-14 of the Examiner's Answer, the Examiner cites column 9, lines 19-27 of Michelet et al:

The invention was particularly described with reference to a hardware monitoring circuit which receives a direct access to the OSD functions of a display or a screen and which, therefore, can provide enhanced feedback information about hardware conditions. However, it will be understood that any electronic circuitry providing other functions than hardware monitoring can take benefit from the teaching of the present invention. (Examiner's emphasis.)

It is respectfully pointed out that this citation from Michelet et al merely relates to the disclosure of Michelet et al addressed in the paragraph bridging pages 13 and 14 of the Appeal Brief. More specifically, as explained in the Appeal Brief, according to Michelet et al on-screen display commands may be issued from the hardware monitoring circuit 12 in addition to the main processor 11 to display text information or graphics generated by the microcontroller 31 of the hardware monitoring circuit 12. That is, according to Michelet et al the hardware monitoring circuit 12 can issue commands to the display 21 to

display information about, for example, the BIOS version, the memory configuration, and other parameters, even when a booting process of the host computer has not been completed (column 6, lines 49-55). According to Michelet et al, these commands control the OSD capability of the display 21 to display information generated by the microcontroller 31 of the host (not stored at the display apparatus and transmitted to the host apparatus) (column 6, lines 38-48). Significantly, moreover, according to Michelet et al, this structure bypasses the graphics control engine 13 entirely. That is, as explained in the Appeal Brief, instead of superimposing on-screen display information on a video signal as recited in claim 6, the structure of Michelet et al enables OSD commands to be issued from the hardware monitoring circuit 12 to the display 21 "independently of the processor 11 and the graphics controller 13" (column 6, lines 45-49) when "the graphics controller is not activated" (column 6, lines 54-55).

Thus, it is respectfully submitted that the Examiner's citation (e) from Michelet et al actually **supports the applicants' argument**, as set forth in detail in the Appeal Brief (see pages 13-14, for example), that Michelet et al does not disclose, teach or suggest a display apparatus comprising a storing section for storing on-screen display information, and a display-side communication-section for transmitting the on-

screen display information (in particular) wherein the on-screen display information is received by the host apparatus and superimposed on a video signal that is transmitted to the display apparatus.

On page 14 of the Examiner's Answer, the Examiner sets forth a summary of conclusions reached based on the Examiner's citations (a) to (e) from Michelet et al. According to the Examiner:

According to (a), (b), (c), (d), and (e), Michelet discloses (i) said On Screen Display information (e.g. the OSD capabilities are activated when the user presses down the control buttons located on the front panel of the display device (60)) is sent from (e.g., said bi-direction I²C communicating (63) or said interacting) between a graphic card 50 within the computer (the host) and said display device (60), (ii) the host (50) sends the on-screen display commands via said bi-directional I²C communication (63) (not via a separate pathway) for superimposing said on-screen display text and/or graphics on the screen (the screen includes the video data which has been displayed on the screen of the display device (60)), (iii) said on-screen display decoder (54), which causes the display device (60) to display on-screen display text and/or graphics on the screen, and which cause to interact between the processor (50) and the display device (60).

It is respectfully submitted that this summary is not an accurate characterization of Michelet et al. With respect to item "(i)" of the Examiner's summary, Michelet et al does not, in fact, disclose sending any On Screen Display information when one of the buttons located on the front panel of the display device

is pressed. Instead, Michelet et al merely discloses that the display 21 has an internal microcontroller to control the On Screen Display capabilities of the display 21, which are activated when one of the buttons on the front panel of the display is pressed (column 5, lines 29-39). On the other hand, Michelet et al also discloses "independent control" of the On Screen Display capabilities of the display through a "second channel for displaying text and/or graphics on the display independently of the graphics signals existing on graphics channel of bus 20 under control of processor 11" (column 5, lines 43-50). According to Michelet et al, this independent control is performed "irrespective of the pressing down of the control buttons on the front panel" (column 5, lines 45-46, emphasis added).

Thus, it is respectfully submitted that according to Michelet et al, the display 21 is capable of controlling the On Screen Display capabilities thereof via buttons on the display and a microcontroller in the display, and the On Screen Display capabilities of the display 21 can be controlled by the processor 11 irrespective of the operation of the buttons. Clearly, therefore, the Examiner's suggestion that operation of the buttons on the front panel of the display results in the sending of on screen display information (that is to be displayed) from the display to the host is not supported by the

disclosure of Michelet et al. And it is respectfully submitted that the mere existence of a bi-directional pathway according to Michelet et al does not indicate that the pressing of buttons on the display results in information (that is to be displayed) being sent from the display to the host. As noted above, a discussion of the actual communication from the display to the host according to Michelet et al is provided in the paragraph bridging columns 5 and 6 of Michelet et al.

With respect to item "(ii)" of the Examiner's summary, Michelet et al does disclose sending on screen display commands from the host to the display. And Michelet et al does disclose that the display can be controlled to display text and/or graphics sent from the host. See the explanation above and in the Appeal Brief. However, according to Michelet et al, the two-wire bus 63 which carries DDC/CI commands and OSD commands generated by a processor in the host and an independent hardware monitoring circuit in the host, respectively, is separate from the leads 62 along which data (bits data corresponding to red, green and blue), which could be interpreted as video data, is transmitted from the graphics card 50 to the display 60. It is respectfully submitted that since the OSD commands are sent along a separate pathway from the host to the display than the data that could correspond to a video signal, the signal received by the display is clearly not a video signal having the on-screen

display information superimposed thereon in the manner recited in claim 6. It is not clear what is meant by the Examiner's assertion "the screen includes the video data which has been displayed on the screen of the display device (60)" in the parenthetical expression in item "(ii)" of the Examiner's summary. In addition, it is not clear what feature of claim 6 is believed by the Examiner to relate to item "(iii)" of the Examiner's summary (relating to the DDC/CI and OSD control decoder 54). In any event, as explained above, the Examiner's own citations (c) and (d) from Michelet et al demonstrate that superimposing of on screen display information (to be displayed) on a video signal is not performed at the host apparatus and that the DDC/CI and OSD control decoder 54 is provided at the display apparatus (and therefore clearly cannot be an information superimposing section at the host apparatus, even if it were assumed that DDC/CI and OSD control decoder 54 is an "information superimposing section" in the manner recited in claim 6).

With respect to Fukuda, the Examiner asserts on page 15 of the Examiner's Answer that the arguments with respect to Fukuda are an attempt to impermissibly argue the references individually.

It is respectfully pointed out that the Appeal Brief is directed primarily to errors in the Examiner's application of Michelet et al to the claims. In addition, Fukuda is discussed

because it is unclear whether or not the Examiner is relying on Fukuda for the disclosure of a display-side communication section and a host-side communication section. Based on the rejection of claim 6 as set forth at the top of page 4 of the Examiner's Answer, it appears that the Examiner may be acknowledging that Michelet et al does not disclose a display-side communication section and a host-side communication section as recited in claim 6, and based on the Examiner's reference to Fukuda on page 4 of the Examiner's Answer, it appears that the Examiner is relying on Fukuda for the disclosure of a display-side communication section which transmits both stored power consumption data and on-screen display information as well as for the disclosure of a host-side communication section which receives the power consumption data and the on-screen display information. This interpretation is supported by the Examiner's summary of the features of claim 6 that the Examiner considers to be disclosed by Michelet et al (bridging pages 11 and 12 of the Examiner's Answer) and by the Examiner's summary of the features of claim 6 that the Examiner considers to be disclosed by Fukuda (the bottom of page 14 of the Examiner's Answer).

However, based on the Examiner's many references to bi-directional communication in Michelet et al, and based on the Examiner's lack of reliance on Fukuda in rejecting claim 7 (which also recites a display-side communication section and a host-side

communication section) the Examiner alternately appears to consider that Michelet et al does disclose a display-side communication section for transmitting on-screen display information (in particular) and a host-side communication section for receiving the on-screen display information.

As explained above and in the Appeal Brief, Michelet et al does not disclose a display-side communication section for transmitting on-screen display information and a host-side communication section for receiving the on-screen display information in the manner recited in independent claim 6.

The arguments with respect to Fukuda on page 20 of the Appeal Brief merely point out that if the Examiner is intending to rely on Fukuda for the disclosure of display-side communication section for transmitting on-screen display information and a host-side communication section for receiving the on-screen display information, such an interpretation of Fukuda would not be supported by the disclosure of Fukuda. More specifically, the Examiner has not pointed to any specific disclosure in Fukuda to support his assertion that on-screen display information is transmitted from a display to a host as recited in claim 6. And as pointed out in the Appeal Brief, it is respectfully submitted that Fukuda merely discloses issuing an instruction, from a main section to a controller section, to detect the remaining power in a battery, and transmitting a

result of the detection from the controller section to the main section. See Fig. 3 of Fukuda, for example.

For this reason, as explained in the Appeal Brief, it is respectfully submitted that even if Fukuda were combinable with Michelet et al in the manner suggested by the Examiner, the resultant combination still would not achieve or render obvious the structure of the present invention as recited in claim 6 whereby the display apparatus comprises a display-side communication-section for transmitting the on-screen display information stored at the display apparatus, and whereby the host apparatus comprises a host-side communication section for receiving the on-screen display information, wherein the on-screen display information is information to be displayed by superimposing the on-screen display information on a video signal at the host apparatus, and transmitting the video signal with the on-screen display information superimposed thereon to the display apparatus.

Fukuda has otherwise merely been cited with respect to the features of claim 6 relating to power consumption data and performing power control.

In view of the Appeal Brief and the foregoing, it is respectfully submitted that Michelet et al and Fukuda, taken singly or in combination, do not disclose, teach or suggest the features of the present invention as recited in independent

claim 6 whereby the display apparatus of the display system comprises a storing section for storing on-screen display information, and a display-side communication-section for transmitting the on-screen display information, and the host apparatus of the display system comprises a host-side communication section for receiving the on-screen display information, and an information superimposing section for superimposing the received on-screen display information on the video signal, and whereby the host-side communication section transmits the video signal having the on-screen display information superimposed thereon, the display-side communication section receives the transmitted signal, and the display apparatus displays an image of the on-screen display information.

Accordingly, for the reasons set forth hereinabove and in the Appeal Brief, it is respectfully requested that the rejections of claim 6 and the claims depending therefrom be withdrawn.

Re: Independent Claim 7

The Examiner asserts on page 16 of the Examiner's Answer that claim 7 shares "the same" limitations as claim 6. It should be understood that claim 7 is not "the same" as claim 6, although claim 7 does recite limitations corresponding to several of the limitations of claim 6.

More specifically, as set forth in the Appeal Brief, in a similar manner to independent claim 6, independent claim 7 recites a display system including a display apparatus that comprises a memory for storing on-screen display information, and a display-side communication section for transmitting the on-screen display information, and a host apparatus that comprises a host-side communication section for receiving the on-screen display information transmitted by said display apparatus, and an information superimposing section for superimposing the received on-screen display information on the video signal. According to claim 7, moreover, the host-side communication section transmits the video signal having the on-screen display information superimposed thereon, said display-side communication section receives the transmitted signal, and said display apparatus displays an image of said on-screen display information.

As explained hereinabove and in the Appeal Brief in detail with respect to claim 6, Michelet et al clearly does not disclose, teach or suggest a display comprising a display-side communication section for transmitting the on-screen display information (to a host-side communication section of the host), or a host comprising an information superimposing section for superimposing the received on-screen display information on the video signal, wherein the video signal having the on-screen display information superimposed thereon is transmitted from the

host apparatus to the display apparatus, so that the display apparatus displays an image of the on-screen display information.

Accordingly, for the reasons set forth hereinabove and in the Appeal Brief, it is respectfully requested that the rejections of claim 7 and the claims depending therefrom be withdrawn.

Re: Independent Claim 26

The Examiner asserts on page 16 of the Examiner's Answer that claim 26 shares "the same" limitations as claim 6. It should be understood, however, that claim 26 is not "the same" as claim 6, and in fact is a method claim reciting subject matter along the lines of system claim 7 (which also is not the same as claim 6, as explained above, although claim 7 does recite limitations corresponding to several of the limitations of claim 6).

More specifically, as set forth in the Appeal Brief, the method according to claim 26 comprises: supplying at least a video signal from the host apparatus to the display apparatus to operate the display apparatus; transmitting on-screen display information stored in the display apparatus from the display apparatus to the host apparatus; superimposing, at the host apparatus, the on-screen display information received by the host apparatus onto the video signal that is supplied from the host

apparatus to the display apparatus; and displaying an image of the on-screen display information on the display apparatus based on the video signal having the on-screen display information superimposed thereon.

As explained hereinabove and in the Appeal Brief with respect to claim 6, Michelet et al does not disclose structure for transmitting on-screen display information from the display apparatus to the host apparatus, or a host which superimposes the on-screen display information onto a video signal transmitted from the host apparatus to the display apparatus.

Although the Examiner asserts that the rationale for rejecting independent claim 26 is the same as the rationale for rejecting independent claim 6, as explained in the Appeal Brief, independent method claim 26 explicitly and positively recites steps of transmitting on-screen display information stored in the display apparatus from the display apparatus to the host apparatus and superimposing, at the host apparatus, the on-screen display information received by the host apparatus onto the video signal that is supplied from the host apparatus to the display apparatus. Accordingly, as explained in the Appeal Brief, it is respectfully submitted that independent method claim 26 even more clearly patentably distinguishes over Michelet et al. That is, the "bi-directional" pathways and the DDC/CI and OSD control decoder of Michelet et al, which have been (incorrectly) relied

upon by the Examiner as structure that transmits on-screen display information from the display apparatus to the host apparatus, clearly do not include a positive step of transmitting on-screen display information stored in the display apparatus from the display apparatus to the host apparatus and superimposing. And as explained hereinabove, Michelet et al also clearly fails to disclose superimposing on-screen display information on the video signal sent from the host to the display.

Accordingly, for the reasons set forth hereinabove and in the Appeal Brief, it is respectfully requested that the rejections of claim 26 and the claims depending therefrom be withdrawn.

* * * * *

In view of the foregoing and the Appeal Brief filed February 23, 2007, it is respectfully submitted that each of independent claims 6, 7 and 26, each of claims 14, 16, 18 and 20 depending from claim 6, and each of claims 9, 11, 13, 15, 17, 19, 21, 27 and 28 depending from claim 7, all clearly patentably distinguish over Michelet et al, taken singly or in any combination with Fukuda, Kosugi et al and Rallison et al under 35 USC 103.

It is respectfully requested that this Board reverse the rejection of appealed claims 6, 7, 9, 11, 13-21 and 26-28.

Respectfully submitted,

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